U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-18910

#### PROJECT LOCATION INFORMATION:

State:

Texas

County:

Matagorda

Center coordinates of site (latitude/longitude):

UTM 15, 240748E, 3189115N

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Caney Creek Name of watershed: Caney Creek

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 4 August 2006

Site visit(s)

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \begin{aligned} \text{there appear to be (or) } \begin{aligned} \text{there appear to be no "waters of the or "waters" of "water United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Marchere are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Caney Creek is a navigable water of the U.S., subject to the ebb and flow of the tide

FILE NUMBER: D-18910

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
<b>3</b>	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
31	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Sargent, Texas  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 10 Minute Minut

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** FILE NUMBER: 24382

PR	O	JE	CT	L	റ്	Δ'	ТI	O	Ν	IN	FC	)R	M	ΓA	T	n	N	•

State: Texas County: Matagorda

Center coordinates of site (latitude/longitude): UTM 15, 207170E, 3183215N

Approximate size of area (parcel) reviewed, including uplands: acres.

Name of nearest waterway: Colorado River Name of watershed: Colorado River

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 25 August 2006

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the property of United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands1.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
    - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Colorado River is a navigable water of the U.S.

FILE NUMBER: 24382

	Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank  Changes in the character of soil  Cestruction of terrestrial vegetation  Shelving  Ordinary High Water Mark indicated by:  High Tide Line indicated by:  Oil or scum line along shore objects  fine shell or debris deposits (foreshore)  physical markings/characteristics  tidal gages  other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA R	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Matagorda, Texas  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Datural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG-PE-RE **FILE NUMBER:** SWG-06-07-048

FILE N	IUMBER:	SWG-06-	07-048			
Sta Co Ce Ap Na	nte: ounty: onter coordi oproximate ome of near	Texas Harris inates of si size of are est waterw	te (latitude/lota (parcel) revay: White Offalo-San Jac	ongitude): viewed, ir vak Bayou	ncluding	29° 53' 17"N, 95° 33' 25"W" uplands: 0.018 acres.
			RMINATIO determinatio (s)	_	×	Date: 26 September 2006 Date(s):
Ju	risdictions	al Determi	nation (JD)	:		
	United S	States" and				there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
×		ed JD – An Il that appl		) is an app	pealable	action (Reference 33 CFR part 331).
						ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: 0.10.
						efined by 33 CFR part 328 and associated guidance) within the al area: 0.018- acre.
	■ Ther	e are "isol		ipported b		te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
A.	Waters The pres	defined un	iters that are	R part 329 subject to	9 as "na the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in the interstate or foreign commerce.
	(1) The interstate (2) The	presence o e or foreign presence o	f waters, whi n commerce, f interstate w	ich are cu including aters incl	rrently u g all wate uding in	s "waters of the United States": sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. terstate wetlands.
	sandflats destructi (i) v (ii) (iii)	s, wetlands ion of which which are of from which which are	s, sloughs, proch could affe or could be u h fish or she or could be	airie poth ct intersta sed by int llfish are o used for i	oles, we ate comm terstate of or could industria	e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or herce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce.

(6) The presence of territorial seas.
(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project site is within White Oak Bayou, a water of the United States that eventually flows to Buffalo Bayou, a navigable water of the United States.

(5) The presence of a tributary to a water identified in (1) – (4) above.

FILE NUMBER: SWG-06-07-048

	ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ High Tide Line indicated by: □ di or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
8	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Satsuma, Texas  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actual Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  State/Local wetland inventory maps:  TEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** D-19054

PROJE	CT LOCATION IN	FORMATION:		
Cer App Nar	inty: San Patric iter coordinates of sit proximate size of area me of nearest waterwa	e (latitude/longitude a (parcel) reviewed,	including	27.925N / 97.175W uplands: 6.29 acres.
	pictional Detei mpleted: Desktop of Site visit(		X	Date: 18 Oct 2006 Date(s):
Jur	isdictional Determi	nation (JD):		
		or "navigable waters		there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
$\boxtimes$	Approved JD – An Check all that apply		ppealable	action (Reference 33 CFR part 331).
		gable waters of the U Approximate size of		tes" (as defined by 33 CFR part 329 and associated guidance) within onal area:
		ers of the United Stat proximate size of jur		efined by 33 CFR part 328 and associated guidance) within the l area:
	☑ There are "isold ☑			re waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
	The presence of war	der 33 CFR part 32 ters that are subject t	29 as "nate to the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in interstate or foreign commerce.
B	(1) The presence of interstate or foreign (2) The presence of (3) The presence of sandflats, wetlands, destruction of which (i) which are o (ii) from which (iii) which are (4) Impoundments (5) The presence of (6) The presence of	waters, which are concerned to commerce, includir interstate waters incommerce as a such as a sloughs, prairie pot h could affect interstor could be used by in fish or shellfish are or could be used for of waters otherwise of a tributary to a water at the could be used for a tributary to a water at tributary to a water at the could be used for a tributary to a water at the could be used for a tributary to a water at the could be used for a tributary to a water at the could be used for a tributary to a water at the could be used for a tributary at a tributary at the could be used for a tributary at a tributary at a tributary at the could be used for a tributary at a tri	urrently using all water cluding into a intrastate tholes, we that communiterstate of corround industrial defined as er identified	e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or herce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce.
Day	ionala fan tha Basia	of Inviodiction - I D	-4	Alex (and line to any boyer about ad above). With a limit distance

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-19054

Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:    High Tide Line indicated by:   High Tide Line indicated by:   oil or scum line along shore objects fine shell or debris deposits (foreshore)   changes in the character of soil   physical markings/characteristics   tidal gages   other:
Œ.	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
·	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):  REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: ARANSAS PASS, Texas  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps: San Patricio County  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Aransas Pass, Texas 485453 0018B, March 1985  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): NAIP, 2004  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PE-RCC** 

**FILE NUMBER: I-5379** 

ΡĮ	30	IF	CT	I	O	C	4	rī	O	Ν	IN	FC	)R	M	ſΑ	TIC	)N:

State: TX County: Willacy

Center coordinates of site (latitude/longitude): 26-33-15/97-25-22 Approximate size of area (parcel) reviewed, including uplands: 9 acres.

Name of nearest waterway: Laguna Madre Name of watershed: Laguna Madre

### JURISDICTIONAL DETERMINATION

Jurisdictional	Determination	(JD)

	Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
X	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	☑ <i>There are</i> "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 3.7 acres.
	☑ <i>There are</i> "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 4.5 acres.
	<ul> <li>There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.</li> <li>Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.</li> </ul>

### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
   (2) The presence of interstate waters including interstate wetlands.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- $\Box$  (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Area tidally connected to Laguna Madre; formerally Section 404 coastal flat.

FILE NUMBER: 1-5379

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
**	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Port Mansfield, Tex  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey: Willacy County  National wetlands inventory maps: 1979 & 2001 NWI  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify): Site Inspection

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston FILE NUMBER: I-5377 PROJECT LOCATION INFORMATION: State: Texas DeWitt County: Center coordinates of site (latitude/longitude): 29-07-43.37 E; 97-18-42.20 N Approximate size of area (parcel) reviewed, including uplands: 26.0 acres. Name of nearest waterway: Guadalupe River Name of watershed: Lower Guadalupe JURISDICTIONAL DETERMINATION Completed: Desktop determination  $\boxtimes$ Date: 23 October 2006 Site visit(s) 1 12 Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.4 acre. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.0 acre. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.  $\Box$  (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Site occurs within navigable reach of Guadalupe River.

## FILE NUMBER: 1-5377

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: hydrophytic vegetation
$\boxtimes$	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
g	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Project involves directional drilling under levee for elevated ditch.  Other (explain):
<u>~</u>	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic map: Concrete, Texas  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps:, Texas  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date): Project Site, 2006  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-7365

## PROJECT LOCATION INFORMATION:

State: Texas County: Nueces

Center coordinates of site (latitude/longitude): 27-39-34.51 97-17-10.29 Approximate size of area (parcel) reviewed, including uplands: approx. 18.1 acres.

Name of nearest waterway: Laguna Madre Name of watershed: Laguna Madre

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination
Site visit(s)

Date: 25 October 2006
Date(s): 23 October 2006

#### Jurisdictional Determination (JD):

řť.	Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: acre.
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: acre.
	<ul> <li>☑ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.</li> <li>☑ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.</li> </ul>

## BASIS OF JURISDICTIONAL DETERMINATION:

A.	Waters defined	under 33 CF	FR part 329 as	"navigable waters	of the Un	ited States":
----	----------------	-------------	----------------	-------------------	-----------	---------------

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

## B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

[1] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in

- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- $\Box$  (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

			1	FILE NUMBER:	D-7365
	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 32 Ordinary High Water Mark indicated by:    clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	High T	Fide Line indicated boil or scum line along ine shell or debris de bhysical markings/chidal gages other:	shore objects posits (foreshore)	
9- 02-	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetati	ion li	nes/changes in vegeta	ation types.	
ķ	Wetland boundaries, as shown on the attached wetland delineatio	on ma	p and/or in a delineat	ion report prepared	by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1)  Headquarters declined to approve jurisdiction on the basis of 33 C  The Corps has made a case-specific determination that the follow  United States:  Waste treatment systems, including treatment ponds or lag  Artificially irrigated areas, which would revert to upland i  Artificial lakes and ponds created by excavating and/or di  retain water and which are used exclusively for such purp- rice growing.  Artificial reflecting or swimming pools or other small orn by excavating and/or diking dry land to retain water for pr  Water-filled depressions created in dry land incidental to o  the purpose of obtaining fill, sand, or gravel unless and un abandoned and the resulting body of water meets the defin 328.3(a).  Isolated, intrastate wetland with no nexus to interstate con Prior converted cropland, as determined by the Natural Re	CFR prints of the iking poses in americans the inition of the iking poses in americans the inition of the initi	part 328.3(a)(3). vaters present on the s, pursuant to 33 CFF irrigation ceased. dry land to collect ar as stock watering, irr atal bodies of water c ily aesthetic reasons. ruction activity and p e construction or except of waters of the United	R part 328.3.  Indication, settling basis reated  Dits excavated in dry exavation operation is ited States found at 3	ins, or  / land for 3 33 CFR
	☐ Non-tidal drainage or irrigation ditches excavated on dry ☐ Other (explain):	land.	Explain rationale:		
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated  This office does not concur with the delineation report, dated  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey T.5 Minute Topographic maps: Oso Cree  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey: Nue  National wetlands inventory maps: Oso Creek NE  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): City of Corpus Christi,  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):	ant.  prepad  k NE	ared by (company): , prepared by (com		

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RCC

FILE NUMBER: D-17714

Stat Cou Cen App Nan	e: inty: iter coordi oroximate	Texas Nueces nates of si size of are est waterw	te (latitude/longitia (parcel) revieweray: Nueces River	ed, including	27-50-52/97-33-41 g uplands: 2 acres.
			RMINATION determination (s)		Date: Date(s): 26 Oct 06
Jur	isdictiona	l Determi	nation (JD):		
	United S	tates" and			, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable
⊠		d JD – An l that appl		n appealable	e action (Reference 33 CFR part 331).
	☐ There the revie	e are "nav wed area.	gable waters of the Approximate size	ne United St e of jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
			ers of the United S proximate size of		defined by 33 CFR part 328 and associated guidance) within the al area:
	There	e are "isol			ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
Α.	Waters The pres	defined un ence of wa	ters that are subje	t 329 as "na ect to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
B. □ □	(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (3) The printerstate (4) Imports (5) The printerstate (6) The printerstate (5) The printersta	oresence of corresence of correspondence of	f waters, which are commerce, inclusted interstate waters of other waters such, sloughs, prairiesth could affect into could be used by fish or shellfish or could be used of waters otherwif a tributary to a wifterritorial seas.	e currently or ding all war including in h as intrasta potholes, we erstate come y interstate or are or could for industria ise defined a vater identifi	s "waters of the United States": used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. nterstate wetlands <sup>1</sup> . te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. If be taken and sold in interstate or foreign commerce, all purposes by industries in interstate commerce. us waters of the US. fied in (1) – (4) above.  waters of the US, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tributary to Nueces River.

FILE NUMBER: D-17714

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ destruction of terrestrial vegetation □ other: □ other:
4	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
1,12	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Annaville, TX  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17.5 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadr

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PE-RCC** 

FILE NUMBER: D-17715

PRO	JEC	T LOCA	TION IN	FORMATION	٧:		
	State		Texas				
	Cou		Nueces				
(	Cent	ter coordii	nates of si	te (latitude/long	gitude)	:	27-35-17/97-49-23
						ncluding	uplands: 2 acres.
				ay: Carreta Cre			
]	Nam	e of water	rshed:	San Fernando	Creek		
шы	(CD)	ICTION	LDETE	DAMIN'A TION			
				RMINATION determination	ı	1.0	Date:
,	Con	ipieteu:			Ļ		
			Site visit	(s)	Į.	Ø	Date(s): 26 Oct 06
	Juri	sdictiona	l Determi	nation (JD):			
	П	Prelimina	arv JD - B	ased on availab	le info	rmation	there appear to be (or) there appear to be no "waters of the
'							nited States" on the project site. A preliminary JD is not appealable
				2 part 331).	raters	or the or	inica states on the project site. At premimary 3D is not appearable
		(110101011		part 551).			
	X	Approved	d JD – An	approved JD is	an ap	pealable	action (Reference 33 CFR part 331).
		Check all					( ( ,
			• •	•			
							ites" (as defined by 33 CFR part 329 and associated guidance) within
		the review	wed area.	Approximate s	ize of	jurisdicti	onal area:
							efined by 33 CFR part 328 and associated guidance) within the
		reviewed	area. Ap	proximate size	of juri	sdictiona	l area: .
		□ Thava	ana "isol	atad was sassia	abla .		to waters or watlands? within the reviewed and
		Inere	are isoi				e waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
			ш	Jurisdiction.	orteat	by SWAI	ACCIMIGRATORY BIRD Rule information Sheet for Determination of No
				Jurisdiction.			
BASI	IS O	F JURIS	DICTIO	NAL DETERM	IINAT	TION:	
							vigable waters of the United States":
ĺ	$\Box$	The prese	ence of wa	ters that are sul	piect to	the ebb	and flow of the tide and/or are presently used, or have been used in
		the past.	or may be	susceptible for	use to	transpor	t interstate or foreign commerce.
		р,	, e <b>.</b>		40 <u>10</u>	wanope.	- moretaine or retergin commerce.
]	В.	Waters d	lefined ui	ider 33 CFR p	art 32	8.3(a) as	"waters of the United States":
							sed, or were used in the past, or may be susceptible to use in
		interstate	or foreign	n commerce, inc	cluding	g all wate	ers which are subject to the ebb and flow of the tide.
- 1		(2) The p	resence o	f interstate wate	rs incl	uding in	terstate wetlands <sup>1</sup> .
- 1	σ.	(3) The p	resence o	f other waters s	uch as	intrastate	e lakes, rivers, streams (including intermittent streams), mudflats,
		sandflats,	wetlands	, sloughs, prairi	e poth	oles, wet	meadows, playa lakes, or natural ponds, the use, degradation or
		destruction	on of whice	h could affect i	ntersta	ite comm	erce including any such waters (check all that apply):
		(i) w	hich are o	or could be used	by int	terstate o	r foreign travelers for recreational or other purposes.
		(ii) f	rom whic	h fish or shellfi:	sh are	or could	be taken and sold in interstate or foreign commerce.
	_						purposes by industries in interstate commerce.
							waters of the US.
	☒					identific	ed in (1) – (4) above.
	3 ;			f territorial seas			
		(7) The p	resence o	f wetlands adjad	cent <sup>2</sup> to	o other w	aters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tributary to San Fernando Creek, which in turns outfalls into Cayo del Grullo.

FILE NUMBER: D-17715

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ destruction of terrestrial vegetation □ other: □ other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
3.0	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):  REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Kingsville East, TX  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actual Resources Conservation Service Soil Survey:  National wetlands inventory maps: Kingsville East, TX  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  2004 TNRIS  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: 26 October 2006  Applicable/supporting case law:  Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PE-RCC** 

FILE NUMBER: D-17749

0D0 II	COT LOCATION INFORMATION	
	CCT LOCATION INFORMATION: ate: Texas	
	ounty: Nueces	
	enter coordinates of site (latitude/longitude):	27-45-10/97-35-40
	opproximate size of area (parcel) reviewed, including	
	ime of nearest waterway: West Oso Creek	g upiands. 20 acres.
	ume of watershed: Oso Creek	
140	and of watershed. Oso Creek	
JURIS	DICTIONAL DETERMINATION	
		Date:
	ompleted: Desktop determination Site visit(s)	Date(s): 26 Oct 06
	Site visit(s)	Date(3). 20 Oct 00
Ju	risdictional Determination (JD):	
[7]	Preliminary ID - Based on available informatio	n, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the
_		United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).	e mora e marco e marco programa de la marco appromisión
	, , , , , , , , , , , , , , , , , , , ,	
$\boxtimes$	Approved JD - An approved JD is an appealable	e action (Reference 33 CFR part 331).
	Check all that apply:	
	_	
		tates" (as defined by 33 CFR part 329 and associated guidance) within
	the reviewed area. Approximate size of jurisdic	ctional area:
		defined by 33 CFR part 328 and associated guidance) within the
	reviewed area. Approximate size of jurisdiction	nal area:
	There are "isolated non-navigable intra-st	ate waters or wetlands" within the reviewed area.
		ANCC/Migratory Bird Rule Information Sheet for Determination of No
	Jurisdiction.	the contriguitory bird reale information sheet for betermination of the
BASIS	OF JURISDICTIONAL DETERMINATION:	
	Waters defined under 33 CFR part 329 as "n	avigable waters of the United States":
		b and flow of the tide and/or are presently used, or have been used in
	the past, or may be susceptible for use to transp	
B.	Waters defined under 33 CFR part 328.3(a)	as "waters of the United States":
		used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all wa	aters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including	interstate wetlands <sup>1</sup> .
	(3) The presence of other waters such as intrasta	ate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, w	et meadows, playa lakes, or natural ponds, the use, degradation or
		merce including any such waters (check all that apply):
		or foreign travelers for recreational or other purposes.
		d be taken and sold in interstate or foreign commerce.
		al purposes by industries in interstate commerce.
	(4) Impoundments of waters otherwise defined	
×	(5) The presence of a tributary to a water identi	fied in $(1) - (4)$ above.
- E	(6) The presence of territorial seas.	Annual Calculation and Canada and
	(/) the presence of wetlands adjacent to other	waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tributary to Oso Creek, which in turns outfalls innto Oso Bay.

FILE NUMBER: D-17749

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics □ tidal gages other:
国	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
bir.g	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Annaville, TX  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps: Annaville, Tx  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): 2004 TNRIS  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: 26 October 2006  Applicable/supporting case law:  Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PE-RCC** 

FILE NUMBER: D-17754

	State Cour Cent Appr Nam	e: nty: er coordi roximate	Texas Nueces nates of si size of are est waterv	ite (latitude/ ea (parcel) r vay: Nueces Nueces Ri	longitude eviewed, River		27-49-08/97-26-12 uplands: 20 acres.
				CRMINATI determinati t(s)			Date: Date(s): 26 Oct 06
	Juri	sdictiona	l Determ	ination (JD	)):		
		Prelimin United S	ary JD - B tates" and	Based on ava	ailable info ble waters		there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
ı	×		d JD – Ar Il that appl		ID is an a <sub>l</sub>	ppealable	action (Reference 33 CFR part 331).
		☐ There	e are "nav wed area.	igable wate Approxima	rs of the Uate size of	Jnited Sta fjurisdicti	ites" (as defined by 33 CFR part 329 and associated guidance) within ional area:
				ers of the U			efined by 33 CFR part 328 and associated guidance) within the all area:
		☐ There	e are "iso		supported		te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
	<b>4</b> .	Waters The pres	defined u	aters that are	R part 32 e subject t	29 as "na to the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in the interstate or foreign commerce.
		(1) The printerstate (2) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (4) The printerstate (5) The printerstate (6) The printerstate (5) The p	presence of e or foreig presence of presence of s, wetlands on of which which are from which which are sundments presence of presence of	of waters, when commerce of interstate of other waters, shoughs, put could affer could be or could be or could be of waters of a tributary of territorial	hich are content and the content are conte	urrently ung all water all water all water all water all water all all all all all all all all all al	sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. terstate wetlands <sup>1</sup> .  e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or herce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce. I purposes the US. ed in (1) – (4) above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands adjacent to large tidal pond that connects to the Corpus Christi Ship Channel.

FILE NUMBER: D-17754

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  □ tidal gages □ other: wetland vegetation
6	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
- N	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas Set	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Corpus Christi, TX  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps: Corpus Christi, TX  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: 26 October 2006  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston FILE NUMBER: I-5378 PROJECT LOCATION INFORMATION: State: Texas County: Aransas Center coordinates of site (latitude/longitude): 27-53-0.44 E; 97-08-56.84 N Approximate size of area (parcel) reviewed, including uplands: 2.0 acres. Name of nearest waterway: Gulf Intracoastal Waterway Name of watershed: Aransas Bay JURISDICTIONAL DETERMINATION Completed: Desktop determination  $\boxtimes$ Date: 30 October 2006 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <u>0.2</u> acre. Fig. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.0 acre. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [11] (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.  $\Box$  (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Site consists of tidal waters of Redfish Bay.

## FILE NUMBER: 1-5378

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: hydrophytic vegetation
⊠	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
5	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Project involves directional drilling under levee for elevated ditch.  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic map: Aransas Pass, Texas  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. A Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps: Aransas Pass, Texas  State/Local wetland inventory maps: Aransas Pass, Texas  State/Local wetland inventory maps: (NGVD)  Aerial Photographs (Name & Date): USDA, 1995; www.local.live.com, 2006  Other photographs (Date): Project Site, October 2006  Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE	JEO Stat Cou Cen	unty: Harris  nter coordinates of site (latitude/longitude): Start 30° 00' 13"N, 95° 18' 40"W  End 29° 59' 57"N, 95° 14' 35"W  proximate size of area (parcel) reviewed, including uplands:70.4 acres.
		ne of nearest waterway: Spring Creek ne of watershed: Spring Creek
		DICTIONAL DETERMINATION  mpleted: Desktop determination
j	Jur	isdictional Determination (JD):
1		Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
I	X	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
		There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
		There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
		There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASI	s c	OF JURISDICTIONAL DETERMINATION:
		Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
_		Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
		(2) The presence of interstate waters including interstate wetlands <sup>1</sup> .  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.
		<ul> <li>(4) Impoundments of waters otherwise defined as waters of the US.</li> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> <li>(6) The presence of territorial seas.</li> <li>(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.</li> </ul>

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Man-made drainage ditches and wetlands with no known nexus to interstate commerce.

FIL	LE NUMBER:	D19013									
	ordinary High Water Mark is clear, natural line improvement the presence of litter are changes in the characted destruction of terrestrial shelving other:	essed on the bank ad debris er of soil	High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:								
*	Mean High Water Mark indi  ☐ survey to available datum		ation lines/changes in vegetation types.								
×	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by Berg Oliver										
Bas X III	Headquarters declined to app. The Corps has made a case-s United States:  Waste treatment system Artificially irrigated a Artificial lakes and p retain water and which rice growing.  Artificial reflecting of by excavating and/or Water-filled depressing the purpose of obtain abandoned and the read 328.3(a).  Isolated, intrastate we prior converted crople.	ntirely of uplands. ace of waters in 33 CFR part 328(a) prove jurisdiction on the basis of 33 appecific determination that the followers, including treatment ponds or leareas, which would revert to upland onds created by excavating and/or other are used exclusively for such pure as swimming pools or other small or diking dry land to retain water for pons created in dry land incidental to ing fill, sand, or gravel unless and usualting body of water meets the defectland with no nexus to interstate contains and with no nexus t	CFR part 328.3(a)(3). wing waters present on the site are not Waters of the agoons, pursuant to 33 CFR part 328.3. if the irrigation ceased. liking dry land to collect and poses as stock watering, irrigation, settling basins, or namental bodies of water created orimarily aesthetic reasons. construction activity and pits excavated in dry land for intil the construction or excavation operation is inition of waters of the United States found at 33 CFR ommerce. Resources Conservation Service. Explain rationale:								
	Maps, plans, plots or plat sub Data sheets prepared/submitt ☐ This office concurs with ☐ This office does not cond Data sheets prepared by the C Corps' navigable waters' study. U.S. Geological Survey Hydromatical Survey 7.5 Magnetical Survey 7.5 Magnetical Survey 15 Magnetica	cur with the delineation report, dated Corps.  dies: rologic Atlas: Minute Topographic maps: Humble, Minute Historic quadrangles: Mi	t 2006 prepared by (company): Berg Oliver d, prepared by (company):  Texas  Tris County Soil Survey								

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PE-RE** 

FILE NUMBER: 24399

PROJECT LOCATION INFORMATIO
-----------------------------

State: Texas
County: Chambers

Center coordinates of site (latitude/longitude): Latitude 29° 35' 57.57"; Longitude 94° 52' 46.10"

Approximate size of area (parcel) reviewed, including uplands: acres.

Name of nearest waterway: Galveston Bay

Name of watershed: North Galveston Bay Huc: 12040203

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 31 October 2006
Site visit(s) Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square \) there appear to be (or) \( \square \) there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- $\blacksquare$  (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Galveston Bay is a Navigable Water of the U.S.

FILE NUMBER: 24399

	ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: USGS Bacliff, Texas  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PE-RE** 

**FILE NUMBER: 24398** 

PROJEC	CT LOCATION INFORMATION:		
Stat			
	inty: Chambers		
	ter coordinates of site (latitude/longitude		Latitude 29° 36' 53.74; Longitude 94° 52' 54.12
	proximate size of area (parcel) reviewed,	including	g uplands: acres.
	ne of nearest waterway: Galveston Bay		100.400.0
Nan	ne of watershed: North Galveston Ba	ly Huc:	12040203
JURISD	ICTIONAL DETERMINATION		
Cor	npleted: Desktop determination	<b>X</b>	Date: 31 October 2006
	Site visit(s)	X III	Date(s):
	,		(-).
Jur	isdictional Determination (JD):		
	Preliminary JD - Based on available inf	ormation	a, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the
	United States" and/or "navigable waters	s of the L	United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).		
1521	Ammount ID Ammount ID is an a	l.bl	a action (Defense at 22 CED and 221)
×	Approved JD – An approved JD is an a	ppealable	e action (Reference 33 CFR part 331).
	Check all that apply:		
	There are "navigable waters of the	United St	tates" (as defined by 33 CFR part 329 and associated guidance) within
	the reviewed area. Approximate size of		
			defined by 33 CFR part 328 and associated guidance) within the
	reviewed area. Approximate size of jui	risdiction	al area: .
	There are "isolated non-navigable	intra-sta	ate waters or wetlands" within the reviewed area.
			NCC/Migratory Bird Rule Information Sheet for Determination of No
	Jurisdiction.	· • • • • • • • • • • • • • • • • • • •	
BASIS (	OF JURISDICTIONAL DETERMINA		
<u>A.</u>			avigable waters of the United States":
$\times$			b and flow of the tide and/or are presently used, or have been used in
	the past, or may be susceptible for use	o transpo	ort interstate or foreign commerce.
В.	Waters defined under 33 CFR part 3	28.3(a) a	s "waters of the United States":
			used, or were used in the past, or may be susceptible to use in
			ters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters in		
			te lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie por	tholes, w	et meadows, playa lakes, or natural ponds, the use, degradation or
			merce including any such waters (check all that apply):
			or foreign travelers for recreational or other purposes.
			d be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for	industri	al purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Galveston Bay is a Navigable Water of the U.S.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

(4) Impoundments of waters otherwise defined as waters of the US.(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

FILE NUMBER: 24398

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  I light Tide Line indica
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	<ul> <li>Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li> <li>Other (explain):</li> </ul>
DATA R	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: USGS Bacliff, Texas  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PE-RCC** 

FILE NUMBER: D-19154

	ECT LOCATION INFORMATION:	
	ate: TEXAS	
	ounty: Willacy 27 -24-36.7066 / 97 -47-28.4767	
	oproximate size of area (parcel) reviewed, including uplands: >1 acres.	
	ume of nearest waterway: none ume of watershed: South Laguna Madre	
Na	ame of watershed: South Laguna Madre	
JURISI	DICTIONAL DETERMINATION	
Co	ompleted: Desktop determination 🛮 Date: 31 October 2006	
	Desktop determination  Site visit(s)  Date: 31 October 2006  Date(s):	
	Site (is)	
Ju	risdictional Determination (JD):	
	Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appeal (Reference 33 CFR part 331).	the able
[2]	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:	
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) we the reviewed area. Approximate size of jurisdictional area:	ithin/
	☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:	
	☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  ☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination Jurisdiction.	of No
	OF JURISDICTIONAL DETERMINATION:	
	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been use the past, or may be susceptible for use to transport interstate or foreign commerce.	d in
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":	
	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in	
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.	
	(2) The presence of interstate waters including interstate wetlands <sup>1</sup> .	
Ħ	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflat	c
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation o	
	destruction of which could affect interstate commerce including any such waters (check all that apply):	
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.	
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.	
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.	
4.	(4) Impoundments of waters otherwise defined as waters of the US.	
	(5) The presence of a tributary to a water identified in (1) – (4) above.	
<u>.</u>	(6) The presence of a tributary to a water identified in (1) = (4) above.	
4.	(7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wet	ands
	(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wet.	ands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-19154

Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by:  iii High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
*2.	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
7	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas X	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Raymondville  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey: Willacy  National wetlands inventory maps: Raymondville  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Raymondville, Panel 480666 0005 D 1/1/89  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): Windows Live Local 06; Google 2005  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 19361(03)

#### PROJECT LOCATION INFORMATION:

State:

Texas

County: Harris

Center coordinates of site (latitude/longitude):

29.7625N; 95.1078W

Approximate size of area (parcel) reviewed, including uplands: 5 acres. Name of nearest waterway: Carptenters Bayou

Name of watershed: Galveston Bay

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 1 November 2006

Site visit(s) Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square\) there appear to be (or) \( \square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 5 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

**FILE NUMBER: 19361(03)** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects clear, natural line impressed on the bank the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: □ survey to available datum; □ physical markings; □ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. П Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on:

Applicable/supporting case law:
Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** SWG-06-39-016

### PROJECT LOCATION INFORMATION:

State: Texas County: Harris

Center coordinates of site (latitude/longitude): 29.7817N; 95.1551W Approximate size of area (parcel) reviewed, including uplands: 0.12 acres.

Name of nearest waterway: Carpenters Bayou Name of watershed: Carpenters Bayou

### JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination

Site visit(s)

 $\boxtimes$ 

Date: I November 2006 Date(s): 28 April 2005

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.12 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: 1-5078

FILE NUMBER: SWG-06-39-016

	Peral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  I clear, natural line impressed on the bank I coil or scum line along shore objects I fine shell or debris deposits (foreshore) I changes in the character of soil I changes in the character of soil I destruction of terrestrial vegetation I other:
28	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
<u>a</u>	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land fo the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Accological Survey 15 Minute Historic quadrangles:  U.S. Accological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 10 Minute Historic quadra

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG-PE-RE **FILE NUMBER:** 14392(06)/2085

1	DD	a	IF	CT	T	$\alpha$	CA	T	10	N	T	UE	n	D	M	٨	TI	a	v.
ı	۲ĸ	v	JĿ		L		$\cup_P$	ч.	ıu	ИΝ		٧r	1,	ĸ.	W.	А		w	<b>V</b> :

State:

TX

County:

Matagorda

Center coordinates of site (latitude/longitude):

28 42 22"N - 95 58 35"W

Approximate size of area (parcel) reviewed, including uplands: 4.2 acres.

Name of nearest waterway: Colorado River

Name of watershed: Lower Colorado HUC 12090302

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 11/2/2006

Site visit(s)

Date(s):

### Jurisdictional Determination (JD):

<u> </u>	Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq \subseteq  there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{ the preliminary JD - Based on available information, \( \subseteq \text{ the no "waters of the preliminary JD - Based on available information, \( \subseteq \text{ the no "waters of the preliminary JD - Based on available information, \( \subseteq \text{ the no "waters of the no" appear to be
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
    - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: the Colorado River is a navigable water subject to ebb and tide flow, and therefore is jurisdictional under Section 10 of the Rivers and Harbors Act.

FILE NUMBER: 14392(06)/2085 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: as stated by applicant other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies:
U.S. Geological Survey Hydrolog U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas:

U.S. Geological Survey 7.5 Minute Topographic maps:

U.S. Geological Survey 7.5 Minute Historic quadrangles:

U.S. Geological Survey 15 Minute Historic quadrangles:

U.S. Geological Survey 15 Minute Historic quadrangles:

U.S. Geological Survey 7.5 Minute Historic quadrangles:

U.S. Geological Survey 7.5 Minute Historic quadrangles:

U.S. Geological Survey 7.5 Minute Topographic maps:

State/Local wetland inventory maps:

EMA (FIRM maps (Maps Name & Data)) FEMA/FIRM maps (Map Name & Date):
100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on:
Applicable/supporting case law:
Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG FILE NUMBER: 24406

PR	O	IF	CT	1.0	$\mathbf{C}$	ΔT	ΓT	ON	IN	JFO	OR	M	ΙΔ	<b>T</b>	n	N٠
	v	JĿ	$\mathbf{L}$		"	$\sim$			11	11.,		ALV.			·	11.

State: Texas County: Polk

Center coordinates of site (latitude/longitude):

30.8047N; 95.0808W

Approximate size of area (parcel) reviewed, including uplands: 2 acres.

Name of nearest waterway: Lake Livingston Name of watershed: Trinity River

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

X

Date: 3 November 2006

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

**FILE NUMBER: 24406** 

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:    clear, natural line impressed on the bank
3	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA R	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 10 Minute

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER: 22026(01)** 

#### PROJECT LOCATION INFORMATION:

State:

Louisiana

Cameron

County: Center coordinates of site (latitude/longitude):

29.8698N; 93.7140W

Approximate size of area (parcel) reviewed, including uplands: 4.7 acres.

Name of nearest waterway: Willow Bayou Name of watershed: Sabine Lake

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 3 November 2006

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square\) there appear to be (or) \( \square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.01 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

**FILE NUMBER: 22026(01)** 

	Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
8	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
<b>53</b>	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	<ul> <li>Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li> <li>Other (explain):</li> </ul>
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Johnson Bayou  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Hinute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17.5 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 10 Minute Minu

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** 

FILE NUMBER: SWG06-14-047; SWG06-33-020; SWG06-039-015

### PROJECT LOCATION INFORMATION:

State: Texas County: Fort Bend

Center coordinates of site (latitude/longitude): 06-14-47--258183E, 3266099N, 06-33-020--258190E, 3266092N,

06-039-015--258155E, 3266090N and 258156E, 3266184N (NAD 27, zone 15)

Approximate size of area (parcel) reviewed, including uplands: 26 acres. Name of nearest waterway: Long Point Creek

Name of watershed: Austin Oyster

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

X

Date: 03 November 2006

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.85 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Portions of Long Point Creek and and impoundment of Long Point Creek are located on the property. Long Point Creek is a tributary to Oyster Creek, which is a navigable water of the United States. The adjacent wetlands on site are either a)contiguous with Long Point Creek and/or b)located within the 100 year floodzone of Long Point Creek or c) have a surface hydrological connection to Long Point Creek.

FILE NUMBER: SWG06-14-047; SWG06-33-020; SWG06-039-015 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Gage Precision Services **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: П Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 18 May 2005, prepared by (company): Gage Precision Services This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1974 Juliff; 1995 Almeda U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: 1955 Fort Bend County National wetlands inventory maps: 1999 Almeda State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Fort Bend County Panel 290, Revised 03 January 1997 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): TNRIS Almeda DOQQ 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 21 April 2005 Applicable/supporting case law: Other information (please specify): CESWG-PE-R files D-15631

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.